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10/659,109	09/09/2003	Michael Henriksson	9342-111	4335
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MYERS BIGEL SIBLEY & SAJOVEC, P.A. P.O. BOX 37428 RALEIGH, NC 27627				SHERMAN, STEPHEN G
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			2629	

DATE MAILED: 08/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/659,109	Applicant(s) HENRIKSSON, MICHAEL
	Examiner Stephen G. Sherman	Art Unit 2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 12 July 2006.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-37 and 39-50 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-37 and 39-50 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 9 September 2003 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date .
4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. ____ .
5) Notice of Informal Patent Application (PTO-152)
6) Other: ____ .

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on the 12 July 2006 has been entered. Claims 1-37 and 39-50 are pending. Claim 38 has been cancelled.

Response to Arguments

2. Applicant's arguments with respect to claims 1-37 and 39-47 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 9, 12, 15-37, 39-42 and 45-47 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 9, 12, 15, 23, 25, 29, 37, 39, 40 and 47 all recite the limitation that the first display is operable in a screensaver mode/able to optically block the viewing of the second display while the device is operating to receive and make telephone calls and download data, however, it is not described in the specification how the device is operable to receive and make telephone calls and download data while the device is in a screensaver mode or when the first display optically blocks the second display. Figure 3 and page 8, lines 18-27 of the specification explain that the device can provide a screensaver mode or a lock mode and that these modes may be engaged after a period of non-use or by the request of the user. The specification however never addresses that the device is operable to receive and make telephone calls and download data while the device is in a screensaver or lock mode.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 49 recites the limitation "the upper display." There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 1-4, 7-8, 10, 13, 43-44, 48 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seymour (US 2004/0239582) in view of Bell et al. (US 2005/0062410) and further in view of Ellenby et al. (US 2003/0184594).

Regarding claim 1, Seymour discloses a method for providing text and/or visual data to a display, comprising:

presenting text and/or visual data on a first display (Figure 1 and paragraph [0073] explain that foreground screen 3 is a first display which has text 5 on it.); and

presenting a different visual presentation of text and/or visual data substantially concurrently on a second display underlying the first display (Figure 1 and paragraph [0073] explain that background screen 2 is a second display which is underlying the first display which displays visual data 6 concurrently with display 1 as explained in paragraph [0074].),

such that the second display is a further distance away from an eye of a user than the first display (Figure 1 shows display 2 a further distance from where a user would be than display screen 3.), and

wherein, in operation, a user is able to view data on the first and/or second display (Figure 1 shows that a user would be able to view data on the first and second screen.), and

Seymour fails to teach that the method presents the text and/or visual data to a portable communications apparatus, wherein one of the first and second displays is configured to present an operating interface desktop with user selectable menu items.

Bell et al. discloses a method of presenting text and/or visual data to a portable communications apparatus (Figure 3 and paragraph [0093] explain that the PDA 1 has multiple displays 10 and 20, of which text and/or visual data could be presented to as explained in paragraph [0101].), wherein one of the first and second displays is configured to present an operating interface desktop with user selectable menu items (Paragraph [0088] explains that the visual display unit could be any computing means. Being that the invention is made to provide visual data on two different overlapping display surfaces of a PDA, the PDA would still be equipped with its normal operations,

of which would include an operating interface desktop with user selectable menu, as is explained in paragraphs [0004]-[0005] and [0018].).

Therefore, it would have been obvious to “one of ordinary skill” in the art at the time the invention was made to use the method of presenting text and visual data to two overlapping displays as taught by Seymour with the multi-level display PDA taught by Bell et al. in order to provide an enlarged display area of a PDA type device without a detrimental loss in display brightness while improving the visual experience of the user.

Seymour and Bell et al. fail to disclose of electronically selecting a feature, text or indicia using the first display within content of an application on the second display to navigate.

Ellenby et al. disclose of a method for providing text and/or visual data to a display comprising of electronically selecting a feature, text or indicia using the first display within content of an application on the second display to navigate (Figures 2-3 and paragraph [0088] explain that text selected in a display region 3, as labeled in Figure 1, and that the selection of the text in the display region 3 causes the selection of the content within the display region 2 to change to allow the user to navigate to the different places on the map.).

Therefore it would have been obvious to “one of ordinary skill” in the art at the time the invention was made to use the selection and navigation features taught by Ellenby et al. with the multi-focal plane display taught by the combination of Seymour and Bell et al. in order to allow for the device to maintain a small size while retaining the ability for the user to interact between the first and second display.

Regarding claim 2, Seymour, Bell et al. and Ellenby et al. disclose a method according to Claim 1.

Seymour and Bell et al. also disclose wherein the first and second displays are aligned so that the user can view data on both of the displays at the same time, and wherein the user can focus on one of the displays by optically altering his/her focus to a focal length corresponding to the desired display (Bell et al. paragraph [0018] or Seymour paragraph [0078].).

Seymour also discloses the method further comprising providing contrast and three dimensional effect to a user using the first and second displays so that certain feature, text or objects optically project outward toward a user (Paragraph [0078] explains that the information could be provided on one or more focal planes, and then claim 1 states that the information on the second display adds a perception of depth of the information on the first display.).

Regarding claim 3, Seymour, Bell et al. and Ellenby et al. disclose a method according to Claim 1.

Seymour also discloses wherein the data on the first display comprises textual data (Figure 1, display 3 has text 5.), and wherein the data on the second display comprises visual data (Figure 1, display 2 has visual data 6.), and wherein the first and second displays are linked to simultaneously display related incoming communication data (As shown in Figure 1, the visual data shown on the displays are linked together.

Therefore, given the combination of references already made, the portable communications device would be capable of receiving incoming data which would display on the first and second screens.).

Regarding claim 4, Seymour, Bell et al. and Ellenby et al. disclose a method according to Claim 3.

Seymour also discloses wherein the visual data comprises an image (Figure 1, visual data 6 is an image.).

Regarding claim 7, Seymour, Bell et al. and Ellenby et al. disclose a method according to Claim 1.

Ellenby et al. also disclose a method further comprising configuring the first and second displays to interactively communicate in response to actions by the user (As explained in the rejection of claim 1, Figures 2-3 and paragraph [0088] explain that text selected in a display region 3, as labeled in Figure 1, and that the selection of the text in the display region 3 causes the selection of the content within the display region 2 to change to allow the user to navigate to the different places on the map, meaning that in response to a user action the displays interact.).

Regarding claim 8, Seymour, Bell et al. and Ellenby et al. disclose a method according to Claim 1.

Bell et al. also discloses the method further comprising illuminating pixels on the first display in a manner that allows the user to view through the illuminated pixels to the second display (Paragraph [0028] explains that the display must be at least partially transparent, meaning that the user would be able to see through the display to the other display.).

Regarding claim 10, Seymour, Bell et al. and Ellenby et al. disclose a method according to Claim 1.

Seymour also discloses wherein the steps of presenting visual and/or text data on the first and second displays comprises presenting text on the first display while presenting an image related to the text on the second display (Paragraph [0074] explains that the text and image relate to one another.), and wherein the visual and textual data comprises incoming or outgoing communication data (As shown in Figure 1, the visual data shown on the displays are linked together. Therefore, given the combination of references already made, the portable communications device would be capable of receiving incoming data which would display on the first and second screens.).

Regarding claim 13, Seymour, Bell et al. and Ellenby et al. disclose a method according to Claim 1.

Seymour also discloses wherein the second display provides visual and textual data and the first display is adapted to selectively present a subset of the data provided

by the second display (Paragraph [0078] explains that a subset of secondary information could be provided on each of the displays.), and wherein the first and second displays are interactively communicating during the presenting steps (As shown in Figure 1 the visual data interacts with the textual data in communicating manner in order to augment the experience of the user.).

Regarding claim 43, Seymour, Bell et al. and Ellenby et al. disclose a method according to Claim 2.

Although no specific mention is made as to whether the second display is in color, it is well known in the art that PDA screens can be provided in color, and in the same manner, it is well known in the art to provide a monochromatic display.

Regarding claim 44, it was already mentioned in the rejection of claim 1 that one of the first or second displays could contain to operating interface desktop, meaning that the second display could be configured with such. As for the second display having an increased resolution over that of the first display, Bell et al. discloses that the first display would have to be at least partially transparent meaning that the resolution would then have to be lower than that of the non-transparent display provided underneath.

Regarding claim 48, Seymour, Bell et al. and Ellenby et al. disclose a method according to Claim 1.

Seymour also discloses wherein the presenting steps are carried out with at least one of the displays presenting moving graphics (Paragraph [0058] explains that either of the displays could include motion.).

Regarding claim 50, Seymour, Bell et al. and Ellenby et al. disclose a method according to Claim 1.

Seymour also discloses wherein content on the first and second displays are linked so that as text scrolls or changes on one display, visual images change automatically on the other (Paragraph [0058] explains that either of the displays could include scrolling. Since the purpose of the invention is for one screen to augment the information provided on the other, if text were scrolling on one display, the visual representation on the other would change. Paragraph [0076] also explain that as the first display shows one piece of text the second display would contain a second piece of text and as the user reads the text, the information form the second display is moved to the first display and the second display is made to update to hold the next piece of text.).

10. Claims 5-6, 11 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seymour (US 2004/0239582) in view of Bell et al. (US 2005/0062410) and further in view of Pallakoff (US 2002/0151283).

Regarding claim 5, Seymour discloses a method for providing text and/or visual data to a display, comprising:

presenting text and/or visual data on a first display (Figure 1 and paragraph [0073] explain that foreground screen 3 is a first display which has text 5 on it.); and presenting a different visual presentation of text and/or visual data substantially concurrently on a second display underlying the first display (Figure 1 and paragraph [0073] explain that background screen 2 is a second display which is underlying the first display which displays visual data 6 concurrently with display 1 as explained in paragraph [0074].),

such that the second display is a further distance away from an eye of a user than the first display (Figure 1 shows display 2 a further distance from where a user would be than display screen 3.), and

wherein, in operation, a user is able to view data on the first and/or second display (Figure 1 shows that a user would be able to view data on the first and second screen.), and

Seymour fails to teach that the method presents the text and/or visual data to a portable communications apparatus, wherein one of the first and second displays is configured to present an operating interface desktop with user selectable menu items.

Bell et al. discloses a method of presenting text and/or visual data to a portable communications apparatus (Figure 3 and paragraph [0093] explain that the PDA 1 has multiple displays 10 and 20, of which text and/or visual data could be presented to as explained in paragraph [0101].), wherein one of the first and second displays is

configured to present an operating interface desktop with user selectable menu items (Paragraph [0088] explains that the visual display unit could be any computing means. Being that the invention is made to provide visual data on two different overlapping display surfaces of a PDA, the PDA would still be equipped with its normal operations, of which would include an operating interface desktop with user selectable menu, as is explained in paragraphs [0004]-[0005] and [0018].).

Therefore, it would have been obvious to “one of ordinary skill” in the art at the time the invention was made to use the method of presenting text and visual data to two overlapping displays as taught by Seymour with the multi-level display PDA taught by Bell et al. in order to provide an enlarged display area of a PDA type device without a detrimental loss in display brightness while improving the visual experience of the user.

Seymour and Bell et al. fail to teach of generating a MMS message having text and visual data and parsing the message data such that text presents on the first display and visual data presents on the second display.

Pallakoff discloses a method for providing text and/or visual data to a display, comprising of generating a MMS message having text and visual data and parsing the message data such that text presents on a first display and visual data presents on a second display (As shown in Figure 6 and as explained in paragraphs [0064]-[0065] a message that is received is generated, and the textual data is shown on the display 601 and the visual data comprising a webpage is shown on the second display 604.).

Therefore it would have been obvious to “one of ordinary skill” in the art at the time the invention was made to use the idea of parsing the textual and visual data of a

message as taught by Pallakoff with the multi-focal plane display device taught by the combination of Seymour and Bell et al., which already had shown text on a first display and visual data on a second display, in order to allow the user to create messages that enhance the viewing experience of its recipients.

Regarding claim 6, please refer to the rejection of claim 5.

Regarding claim 11, Seymour discloses a method for providing text and/or visual data to a display, comprising:

presenting text on a first display (Figure 1 and paragraph [0073] explain that foreground screen 3 is a first display which has text 5 on it.); and

presenting visual data substantially concurrently on a second display underlying the first display (Figure 1 and paragraph [0073] explain that background screen 2 is a second display which is underlying the first display which displays visual data 6 concurrently with display 1 as explained in paragraph [0074].),

such that the second display is a further distance away from an eye of a user than the first display (Figure 1 shows display 2 a further distance from where a user would be than display screen 3.), and

wherein, in operation, a user is able to view data on the first and/or second display (Figure 1 shows that a user would be able to view data on the first and second screen.), and

Seymour fails to teach that the method presents the text and/or visual data to a portable communications apparatus.

Bell et al. discloses a method of presenting text and/or visual data to a portable communications apparatus (Figure 3 and paragraph [0093] explain that the PDA 1 has multiple displays 10 and 20, of which text and/or visual data could be presented to as explained in paragraph [0101].).

Therefore, it would have been obvious to "one of ordinary skill" in the art at the time the invention was made to use the method of presenting text and visual data to two overlapping displays as taught by Seymour with the multi-level display PDA taught by Bell et al. in order to provide an enlarged display area of a PDA type device without a detrimental loss in display brightness while improving the visual experience of the user.

Seymour and Bell et al. fail to teach wherein the text on the first display comprises map directions of a geographic location of interest and the visual data image on the second display comprises a map corresponding to the location of interest.

Pallakoff discloses a method for providing text and/or visual data to a display wherein text on a first display comprises map directions of a geographic location of interest and visual data image on a second display comprises a map corresponding to the location of interest (Figure 5 shows a first display 500 and a second display 501. The first display 500 shows a webpage with a map one it. The second display 501 is able to show a subset 503 of what is shown on the display 500. The user could then navigate to the driving directions section and choose to display the textual driving

directions of the first display 501, while the overall webpage would still show the visual map [refer to paragraphs [0059]-[0061]].).

Therefore it would have been obvious to “one of ordinary skill” in the art at the time the invention was made to use the display screen method taught by the combination of Seymour and Bell et al., which already teaches of displaying text on a first display and visual data on a second display to enhance a user’s assimilation of data, to display the map and directions as taught by Pallakoff in order to allow the user to have a greater comprehension of the directions by simultaneously viewing the map.

Regarding claim 49, Seymour, Bell et al. and Pallakoff disclose a method according to claim 5.

Seymour also discloses wherein automatically scrolling text is presented on the upper display and video related to the text is presented on the second display (Figure 1 shows that text is on one display and a visual image is presented on the second display, where the text and visual image relate to each other. Paragraph [0058] then states that the primary or secondary information could be scrolling and paragraph [0046] explains that the primary and secondary information could be plain text or video. Thereofre the text shown on the first display in Figure 1 could be scrolling and the picture shown on the second display in Figure 1 could be a video.).

11. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Seymour (US 2004/0239582) in view of Bell et al. (US 2005/0062410) and further in view of Ellenby et al. (US 2003/0184594) and Huffman et al. (US 5,661,635).

Regarding claim 14, Seymour, Bell et al. and Ellenby et al. disclose a method according to Claim 3.

Seymour, Bell et al. and Ellenby et al. fail to teach a method wherein the textual data provided by the first display comprises data from a digital book or article, and wherein the visual data provided by the second display is video clips, images and/or pictures from the digital book or article.

Huffman et al. disclose a method wherein the textual data comprises data from a digital book or article, and wherein the visual data provided is video clips, images and/or pictures from the digital book or article (Column 5, lines 34-47. The examiner interprets that the graphical data could be video clips, images or pictures.).

Therefore it would have been obvious to “one of ordinary skill” in the art to use the display screen method as taught by the combination of Seymour, Bell et al. and Ellenby et al. with the digital book method taught by Huffman et al. in order to provide a way to view the images and text of the digital book at the same time.

Conclusion

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen G. Sherman whose telephone number is (571) 272-2941. The examiner can normally be reached on M-F, 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amr Awad can be reached on (571) 272-7764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SS

AMR A. AWAD
PRIMARY EXAMINER



3 August 2006